

THE LEAGUE OF WOMEN VOTERS OF HAWAII

TESTIMONY ON SB 2859, SD1, RELATING TO OPEN GOVERNMENT

Committee on Judiciary
Rep. Gilbert S.C. Keith-Agaran, Chair
Rep. Karl Rhoads, Vice Chair
Friday, March 16, 2012
2:00 p.m.
Conference Room 325

Testimony written by Jean Aoki, LWV Legislative Committee member

Chair Keith-Agaran, Vice Chair Rhoads, members of the Committee on Judiciary

Bills such as SB 2859 SD1 are very difficult to judge on their merits, because no matter what the laws and rules are, detection of any violation of the the laws are not easy. We just have to depend on the willing acceptance of the spirit of open government by all board members which is necessary if we are to have a democratic form of government.

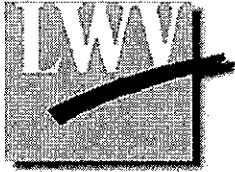
We would like to make comments on two of the amendments to our open government laws. As far as allowing board members present at a meeting that must be canceled for lack of quorum to accept testimony or presentations from members of the public and even ask questions for clarity, or more detailed explanations, etc. we believe is acceptable. I have been to such a meeting where without testimony, we did have some informal discussion which I doubt took anything away from the next regular meeting.

At such a meeting, careful attention must be given to the avoidance of deliberation and decision making. In a regular meeting, the tell-tale evidence of discussions outside of the meeting would be the all too brief deliberations. Genuine, thoughtful oral deliberations can most often lead to consensus, so that before a vote is taken, the audience can predict the outcome.

As to chapter92 – 2.5 (f), its difficult to fathom how this is going to work without further clarification. We'd want to know the policies they adopt "on the use of social media and not commitment to vote is made or sought and the discussion on the social media website:

1. Is accessiible at any time to any member of the public with an internet connection.
2. Allows participation by interested members of the public.
3. Remains available for public viewing for a reasonable period of time on the social media. "

The provision under 2. is quite interesting. Some boards at present allow for questioning and comments from the public during their meetings which makes them more



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informative. Would you get into a debate with members of the public on the website or would there be rules to control the discussions?

Would each board member participating in one website then be able to separately join other websites with different members of the Board?

What is a reasonable period of time? Would the members have to report these conversations at their regular meetings? Couldn't these social media addresses being used by members go on the board's website?

We're not sure how this would work. If you are going to try this, could you do it on a limited basis for a while so we get a good indication of its resulting effect on the board's behavior when it comes to real deliberations at their board meetings? If it adds to every member's readiness to participate with knowledge and confidence, and questioning attitude, so much the better. However, we do need to give it real thought.

Thank you for this opportunity to testify on SB 2859. SD1.